

Office of the State Public Defender

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September 24, 2021

Jorge E. Navarrete
Clerk and Executive Officer of the Court
Supreme Court of California
350 McAllister Street
San Francisco, CA 94102

Re: *People v. William Lee Wright*, S107900
Notice of Supplemental Authorities

Dear Mr. Navarrete,

This case is scheduled for oral argument on Tuesday, October 5, 2021, at 1:30 p.m. For this Court's consideration, appellant cites the following additional authority not contained in the briefs on file and which counsel may cite during oral argument.

Argument I: Denial of *Faretta* Motion.¹

People v. Johnson (2019) 8 Cal.5th 475 (concluding *Faretta* motion lodged two weeks before scheduled second penalty retrial date was untimely because defendant indicated he would need “considerable time” to prepare and defense counsel estimated defendant would need “many months” to a year based on the record; counsel announced ready; defendant had numerous opportunities to assert his right earlier; the trial court expressed a “strong suspicion” that defendant brought the motion “with the purpose of interrupting the process and creating delay” given amount of time defendant and counsel worked together and similarities of defendant's complaint against counsel compared to prior counsel; and the age—13 years—and complexity of the case resulting in prior witness attrition and risk of further witness attrition)

¹ The question of timing is critical to this issue. Appellant has attached a timeline of significant events with record references in the event it aids the Court.

Thank you for bringing this letter to the court's attention.

Sincerely,

/s/ Alyssa Mellott

Alyssa Mellott
Senior Deputy State Public Defender
(CBN 240730)

People v. William Lee Wright No. S107900

Chronology of Events Related to *Faretta* Motion

January 26, 2001	Mr. Wright appears in court for the first time on this case. (1CT: 17.)
February 22, 2001	Court appoints Lee Coleman as counsel. (1CT: 37.)
April 19, 2001	Preliminary hearing is held. (1CT: 210-213.)
June 13, 2001	Arraignment on Information. (1CT: 225.)
September 12, 2001	Prosecution announces is seeking death. (1CT: 226-227.) Case is transferred to a long cause courtroom. (1CT: 227.) Defense counsel explains he needs to prepare for the penalty phase and the prosecutor has not yet provided a list of aggravating evidence. (1RT: 21-22.) The prosecutor states “extensive penalty phase, ... , other-crimes-type evidence” has not yet been provided to the defense. (1RT: 25.) Trial is set for March 12, 2002. Pretrial is set for December 17, 2001. (1CT: 229.)
December 17, 2001	Discovery is still forthcoming from the prosecution. (1RT: 28-29.)
February 4, 2002	The prosecutor files a Penal Code section 190.3 notice. (1CT: 238-239.)
March 4, 2002	Defense counsel files a motion to continue the trial because he is still receiving discovery from the prosecutor and needs to identify and interview witnesses. (2CT: 404.) The prosecutor does not lodge an objection.
March 12, 2002	The prosecutor has received reports of three or four “very serious incidents” to be used as circumstances in aggravation and has provided the reports from these incidents to defense counsel. (1RT: 45.)

The court orders jurors for May 1 noting that 60 days is required for the request. (1RT: 51; 2CT: 422.)

The prosecutor is anticipating that additional subpoenaed materials will be delivered to the court. (1RT: 52.)

Court grants continuance to March 26 for motions and April 29 as day 5 of 10 for trial. (1RT: 54.) The prosecutor does not oppose the continuance and does not raise witness problems.

March 26, 2002

Defense motions are heard. Defense motion to sever robbery taken under submission and other matters are put over to April 11. (1RT: 104-2; 2CT: 461-462.)

Defense counsel requests to defer motion for preliminary hearing on uncharged offenses so he may file a supplemental motion. (1RT: 89-90; 2CT: 424.)

The prosecution gives defense counsel 700 pages of discovery and defense counsel is “apprehensive” about the trial date. (1RT: 96-99.) Some materials are duplicates of what the defense already has, but a substantial amount is new material relating to the aggravating circumstances. (See 1RT: 96-104-2.) The court suggests defense counsel review the material and appear on April 11 prepared to make a request for additional time if needed. (1RT: 98.)

The prosecutor voices no opposition or concern about witnesses being impacted or lost if defense counsel needs more time to address the new discovery.

April 3, 2002

The prosecutor files an amended Penal Code section 190.3 notice. (2CT: 463-466.)

April 11, 2002
(Thursday)

Phillips hearing is held.² Nine witnesses testify. (2CT: 467.)

² *People v. Phillips* (1985) 41 Cal.3d 29

The prosecutor reports two pieces of discovery are still outstanding. (1RT: 198-199.) The prosecutor also notes there are two factor (b) incidents that he is still considering whether to present. These two incidents were not included in the *Phillips* hearing. (1RT: 201-203.)

Following the *Phillips* hearing, the court requests the parties make a short appearance on April 15 “only for the purpose of determining which questionnaire[]” to use. (1RT: 189.) The court reiterates, “9 o’clock, just for purposes of the questionnaire.” (1RT: 189.)

The court asks the parties to alert the court of any witness problems. The prosecutor again does not raise any concerns about witness problems. (1RT: 206-207.)

April 15, 2002
(Monday)

Brief discussion of jury questionnaires and Mr. Wright’s restraints. (1RT: 212-216.)

Again, the prosecutor does not raise any concerns regarding timing or witness issues.

April 24, 2002
(Wednesday)

Defense counsel and Mr. Wright discuss representation issues outside of court. (See 1RT: 218, 227.)

April 29, 2002
(Monday)

Court explains it set April 29 as “a clean-up day” to make sure they are prepared for trial and that the court is not “engaged,” which would require sending the matter back to Department 100. (1RT: 217-218.)

Defense counsel informs the court of Mr. Wright’s request to represent himself. Mr. Wright informed defense counsel of his decision the prior Wednesday, April 24, 2002. (1RT: 217-218, 227.)

The court initiates a *Marsden*³ hearing and declines to replace counsel. (1RT: 218; CT:492.)

³ *People v. Marsden* (1970) 2 Cal.3d 118

Mr. Wright states his reasons for wanting to represent himself and explains the timing of his assertion of his right. He requests a one-to-two-month continuance. (1RT: 229.) The court denies Mr. Wright's request to represent himself as untimely. (2CT: 492.)

May 1, 2002 Jury selection begins with hardship qualification. (2CT: 494.)

May 7, 2002 Guilt phase begins. (7CT: 1917.)

May 15, 2002 Guilt phase verdicts reached May 14 are accepted by the court. (7CT: 1395; 8CT: 2015.)

May 16, 2002 Penalty phase begins. (8CT: 2033.)

May 22, 2002 Parties rest. (8CT: 2044-2045.)

June 18, 2002 Mr. Wright is sentenced to death. (8CT: 2146-2150.)

DECLARATION OF SERVICE

Case Name: ***People v. William Lee Wright***
Case Number: **Supreme Court Case No. S107900**
Los Angeles County Superior Court No. KA048285

I, **Lauren Emerson**, declare as follows: I am over the age of 18, and not party to this cause. I am employed in the county of Oakland. My business address is 1111 Broadway, Suite 1000, Oakland, CA 94607. I served a true copy of the following document:

NOTICE OF ADDITIONAL AUTHORITY

by enclosing it in envelopes and placing the envelopes for collection and mailing with the United States Postal Service with postage fully prepaid on the date and at the place shown below following our ordinary business practices. The envelopes were addressed and mailed on **September 24, 2021**, as follows:

William Wright, #T-59840 CSP-SQ Facility A San Quentin, CA 94974

The aforementioned document(s) were served electronically (via TrueFiling) to the individuals listed below on **September 24, 2021**:

Attorney General – Los Angeles Office Kimara A. Aarons, Deputy Attorney General 300 S. Spring St., 5th Floor Los Angeles, CA 90013	California Appellate Project 345 California Street, Suite 1400 San Francisco, CA 94104
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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Signed on **September 24, 2021**, at San Joaquin County, CA.

/s/ Lauren Emerson

Lauren Emerson

STATE OF CALIFORNIA
Supreme Court of California

PROOF OF SERVICE

STATE OF CALIFORNIA
Supreme Court of California

Case Name: **PEOPLE v. WRIGHT (WILLIAM LEE)**

Case Number: **S107900**

Lower Court Case Number:

1. At the time of service I was at least 18 years of age and not a party to this legal action.
2. My email address used to e-serve: **alyssa.mellott@ospd.ca.gov**
3. I served by email a copy of the following document(s) indicated below:

Title(s) of papers e-served:

Filing Type	Document Title
ADDITIONAL CITES FOR ORAL ARGUMENT	2021_09_24_Additional_Authorities_Letter_Final

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This proof of service was automatically created, submitted and signed on my behalf through my agreements with TrueFiling and its contents are true to the best of my information, knowledge, and belief.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

9/24/2021

Date

/s/Lauren Emerson

Signature

Mellott, Alyssa (240730)

Last Name, First Name (PNum)

Office of the State Public Defender

Law Firm
